

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 21, 1977
7:00 p.m.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

Present: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino

Absent: None

APPROVAL OF MINUTES

Councilmember Linn moved that the Council approve the Minutes for the Council Meeting held April 14, 1977. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Councilmembers Himmelblau, Hofmann,
Linn, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Snell,
Councilmember Lebermann

INTERNATIONAL FOOD DAY

Mayor Friedman read a proclamation designating April 21, 1977, as International Food Day. It recognized the massive problems of hunger faced by many of the world's peoples and the course of action some international leaders have embarked upon to bring about an understanding of the perplexities of hunger. The proclamation asked all residents to recognize that our actions can effect positive changes in problems of hunger and that our initiative and enterprise can result in meaningful solutions to the scourge of hunger. Ernest Harkins accepted the proclamation, thanked the Mayor and Council and urged them to give up something and send the money to any of the various relief organizations around the world.

EARTH WEEK

Councilmember Hofmann read a proclamation urging all citizens to direct their attention to the importance of protecting our land, sea and air from forces of pollution and declaring April 21-27 as Earth Week. Don Walden accepted the proclamation and thanked the Mayor, the Council, and City Manager Dan Davidson for the support they have given the Environmental Board during his time and prior to that in trying to achieve a real quality of life for the citizens of Austin.

SECRETARIES WEEK

The week of April 24-30 has been proclaimed Secretaries Week, and April 27, Secretaries Day in a proclamation read by Mayor Jeff Friedman. He urged all residents to join him in recognition of secretaries who, in keeping with the best tradition of their profession, are accepting vital responsibilities and performing important roles in commerce, industry, and government. Accepting the proclamation with their thanks on behalf of all secretaries, were June Nutt, President, Capital Chapter of the National Secretaries Association; and Mary Toland, President, Tower Lights Chapter.

SMALL GIFT PRESENTED TO COUNCIL MEMBERS

John A. Davidson, of Griffin Enterprises, requested to appear before City Council to read the following proclamation:

"Whereas our City is most unique in this large and diverse state; and Whereas the people of this magnificent state honor it as the capital; and Whereas it is the lone star in the hearts of its citizens; and Whereas Griffin Enterprise has sought to capture this essential spirit of Austin; Therefore, ladies and gentlemen of the Council, from Griffin, the fantastic mythical beast and enterprising local design studio, in honor of our beloved city, I present you an Austin of your very own. Take it, and stick it anywhere you please." Mr. Davidson then handed each Council member a brown envelope. Mayor Friedman asked Mr. Davidson to show one to the audience so they would have an idea of what he was telling them to stick. Councilmember Linn showed hers..a sticker with the "i" in Austin dotted with a heart.

ROSEWOOD OUTPATIENT CLINIC CENTER

Mr. Samuel Griggs, Chairperson, Rosewood Advisory, had requested to appear before Council to discuss the status of MHMR Rosewood Outpatient Clinic Center. He was out of the City, so Mr. Robert Williams appeared in his place. Since the last time they had appeared concerning the Outpatient Clinic Center, much had happened, he said, but they are not yet in a new building. He felt the Board of Trustees of Austin-Travis County MHMR and the Executive Director should be the ones appearing before the Council to ask for funding rather than the Rosewood Advisory Committee, who he represents. For some reason, he continued, it seems only the Advisory Committee shows real concern and must carry the full burden of finding adequate space for the Rosewood Human Development Center. The building is inadequate and the staff is crowded in, as many as five persons to an

office. Because of this the clients have to wait as long as an hour in the halls until a treatment room is available. The Center, he continued, is too small to meet the demands put upon it. They serve an area that has a population of approximately 33,000 according to the 1970 census, but that population has grown and demand has grown also. But, he said, because of lack of concern of the MHMR establishment, there has not been an increase in the size of the staff sufficient enough to cover the needs of that area. The area served by the Rosewood Outpatient Clinic Center has the highest concentration of minorities, poverty families, school-related problems, police contact, and welfare recipients. Recently, since the state hospitals have moved toward the community base approach to treatment, the area also has the highest concentration of chronic persons being discharged from the state hospitals all over Texas. This is putting increasing demands upon the staff in terms of size and space. They have done what they can themselves, but feel they must ask the City Council for help. Therefore, Mr. Williams requested funds to construct a building.

Councilmember Himmelblau told Mr. Williams that three weeks prior Mr. Morahan, from Property Management, had found some rental property and she sent copies of his material to Mr. Griggs. She asked him if he had seen it. No, he replied. Councilmember Himmelblau said one was a building on 12th Street which housed the ambulance company and the other was a facility in the Rosewood Shopping Center that needed remodeling..it is close to where the new dental center will be. She told Mr. Williams she wanted to accompany him to look at the two facilities and then put the "push" on MHMR.

CARVER BRANCH LIBRARY

Mayor Friedman told the Council that Mrs. Willie Mae Kirk had requested to appear before the Council to discuss the status of the Carver Branch Library, but she had been in an auto accident and could not appear. Mr. Davidson, City Manager, indicated one of her concerns was whether or not the City would get approval from the Austin Independent School District to locate that branch on that property, and informed the Council that the City does have the approval. Mayor Friedman answered that his office had so informed her.

PARADE PERMITS

Councilmember Trevino moved that the Council grant the request for a Parade Permit from Lili M. Rogers for the People of Southern Africa, from 12:15 p.m. until 3:00 p.m., Friday, April 29, 1977, beginning on 21st Street to University Avenue, Martin L. King, Congress Avenue, 7th Street and Colorado. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman

Noes: None

Councilmember Trevino moved that the Council grant the request for a Parade Permit from Dick Rathgeber, for the American Heart Association, from 10:00 a.m. until 2:00 p.m., Saturday, May 28, 1977, beginning from the Capitol, south on Congress to Barton Springs, west on Barton Spring to Zilker Park. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

LICENSE AGREEMENT TO THE AMERICAN STATESMAN

Councilmember Linn moved that the Council adopt a resolution authorizing a License Agreement to the American Statesman of Austin, Texas, to construct tree wells, lighting, watering facilities and benches within the sidewalk area of the 300 block of Guadalupe Street. (Requested by Scott Badgett of Joe Badgett Construction Company, Incorporated for the American Statesman) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None

PAVING ASSESSMENT POLICIES

Councilmember Linn moved that the Council adopt a resolution to amend a Resolution adopted December 2, 1976, covering Paving Assessment Policies to provide for excavation and paving of driveways where deemed necessary. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Pro Tem Snell, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Not in Council Chamber when roll was called: Councilmember Lebermann

AIRPORT LIABILITY COVERAGE

Councilmember Himmelblau moved that the Council adopt a resolution authorizing payment of a premium in the amount of \$33,900 for Airport liability coverage for the three year period - January 10, 1977, through January 10, 1980. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Not in Council Chamber when roll was called: Councilmember Lebermann

SUMMER YOUTH PROGRAM GRANT

Councilmember Trevino moved that the Council adopt a resolution to submit on behalf of the Capital Area Manpower Consortium a modification to the Department of Labor CETA Title III Summer Youth Program grant increasing the grant by \$1,009,521 to provide Career Development and Work Experience to eligible area youth, ages 14-21, for the period of June 1, 1977, to December 31, 1977. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

CONTRACT AWARDS

Councilmember Hofmann moved that the Council adopt a resolution to award the following contracts:

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| <p>Bid Award:</p> | <p>- Construction Equipment, various City Departments.
Twelve (12) months Rental Agreement including addition of other equipment and/or features as may be needed - \$40,000.00 total</p> |
| <p><u>Without Operator Furnished</u>
CENTRAL TEXAS EQUIPMENT COMPANY
127 East Riverside
Austin, Texas</p> | <p>- First Low Bidder: Item Nos. 1-7, 26-29, 94, 127-130, 151-158, 162, 164-166, 171-173, 182, 183
Second Low Bidder: Item 61, 159-161, 184</p> |
| <p>CAPITAL EQUIPMENT COMPANY
Highway 290 West
Austin, Texas</p> | <p>- First Low Bidder; Item No. 188
Second Low Bidder: Items 26-28
Third Low Bidder: Items 151-155</p> |
| <p>GIRARD MACHINERY COMPANY
P. O. Box 21310
San Antonio, Texas</p> | <p>- First Low Bidder: Items 46-48, 110
Second Low Bidder: Items 97, 111, 112</p> |
| <p>HOLT MACHINERY
South IH 35
Austin, Texas</p> | <p>- First Low Bidder: Item Nos. 58-63, 70-87, 91-93, 95-98, 111-113, 115, 118-123.
Second Low Bidder: Items 89, 90, 94</p> |
| <p>RIVER CITY MACHINERY COMPANY
10411 North Lamar Boulevard
Austin, Texas</p> | <p>- First Low Bidder: Item Nos. 89, 90, 102, 125, 135, 139, 145, 159-161, 184
Second Low Bidder: Item Nos. 59, 95, 127-129, 151-155, 157</p> |

With Operator Furnished**BUILDERS EQUIPMENT RENTAL**

P. O. Box 6382
Austin, Texas

- First Low Bidder: Item Nos. 61, 89, 108, 120, 132, 134
- Second Low Bidder: Item Nos. 90, 98, 99, 127

CAPITOL EQUIPMENT COMPANY

Highway 290 West
Austin, Texas

- First Low Bidder: Item Nos. 2-7, 14-16, 21, 22, 26-28, 46-48, 56-60, 90-92, 98-100, 104, 105, 107, 110, 111, 125, 128, 131, 134, 162, 163, 188
- Second Low Bidder: Item Nos. 89, 108, 127, 132
- Third Low Bidder: Item Nos. 151-155

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

Councilmember Hofmann moved that the Council adopt a resolution to award the following contracts:

Bid Award:

- Police and Fire Department Uniforms
Twelve (12) Month Supply Agreement

GERBER MANUFACTURING COMPANY, INC.
1655 East 12th Street
Mishawaka, Indiana

- Items 13 and 15 - \$36,639.20

THE WHALE
2270 Guadalupe Street
Austin, Texas

- Items 4-11 - \$19,835.91

THE FECHHEIMER BROS. CO.
4545 Malsbary Road
Cincinnati, Ohio

- Items 12, 14, 16, and 17 - \$13,283.60

FACTORY SALES COMPANY OF HOUSTON
5104 Harrisburg
Houston, Texas

- Items 1, 2, 3 and 19 - \$777.65

A. SCHRETER & SONS COMPANY
16 South Eutaw Street
Baltimore, Maryland

- Item 18 - \$530.00

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

Councilmember Hofmann moved that the Council adopt a resolution awarding the following contract:

FACTORY SALES COMPANY OF HOUSTON 5104 Harrisburg Houston, Texas	- Work Uniforms Twelve (12) Month Supply Agreement Items 1-2b and 5 - \$57,935.60
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

Councilmember Hofmann moved that the Council adopt a resolution awarding the following contract:

HITACHI METALS AMERICA, LTD. 1 Red Oak Lane White Plains, New York	- Flocculator Chains and Sprockets, Wastewater Treatment Division Items 1-5 - \$5,192.60
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

Councilmember Hofmann moved that the Council adopt a resolution awarding the following contract:

BARKER OFFICE FURNITURE COMPANY 419 Congress Avenue Austin, Texas	- Office Furniture, Parks and Recreation Department Items 1-22 - \$9,256.74
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

Councilmember Hofmann moved that the Council adopt a resolution awarding the following contract:

VERMEER SALES, INC. 4403 Director Drive San Antonio, Texas	- Stump Cutter, Vehicle and Equipment Services Department Item 1 - 1 ea. \$5,202.00
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

Councilmember Hofmann moved that the Council adopt a resolution awarding the following contracts:

Bid Award:	- Riding Mowers, Vehicle and Equipment Services Department
GULF COAST LAWN EQUIPMENT COMPANY 1307 Commerce Street Liberty, Texas	- Item 1 - 1 ea. - \$19,455.00
CHEMICAL AND TURF SPECIALTY COMPANY 6813 Old Preston Road Dallas, Texas	- Item 2 - 2 ea. @ \$1,950.00 Item 4 - 1 ea. @ \$2,890.00 Total - \$6,790.00
GOLDTHWAITES OF TEXAS 8902 Broadway San Antonio, Texas	- Item 3 - 1 ea. - \$9,535.00

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

GRANT APPLICATIONS

Councilmember Linn moved that the Council adopt a resolution authorizing submission of a grant application entitled "Highspeed video (CRT) terminal for the Austin Police Department" to the Texas Criminal Justice Division. (Total project costs \$10,107.00; CJD's share \$8,590.95 [85%] and Local Cash Match \$1,516.05 [15%]) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing submission of a grant application to the Texas Criminal Justice Division entitled "Austin Police Academy Director" for the period July 1, 1977 through June 30, 1978. (Total project request is for \$30,000.00 Criminal Justice Division, with \$3,146 Local Cash Match) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmember Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

SENIOR CITIZENS ACTIVITY CENTER

Mayor Friedman moved that the Council instruct the City Manager to come back April 28, 1977, with alternative funding to erect the Senior Citizens Activity Center as originally planned. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None

FAYETTE POWER PROJECT TEMPORARY EASEMENT

Councilmember Linn moved that the Council adopt a resolution authorizing execution of a temporary easement in connection with the Fayette Power Project, granting ingress and egress to certain owners of a privately held tract. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

LAND ACQUISITION

Councilmember Himmelblau moved that the Council adopt a resolution authorizing acquisition of certain land for extending Emerald Forest Drive to William Cannon Drive. The motion, seconded by

(Two tracts of land, being 0.47 of one acre and 5,234 square feet,
out of Lot 1, Big White Cloud, Section Two [Maurice La Hue et ux])

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Abstain: Councilmember Linn

PAYMENT FOR RIGHT OF WAY

Councilmember Himmelblau moved that the Council adopt a resolution to authorize payment to Charles Croslin and Dr. W. A. Crenshaw for right-of-way in excess of 90 feet for Braker Lane in Kramer Lane Industrial Village. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

CONTRACT FOR BOND FINANCIAL ADVISORS

Councilmember Linn moved that the Council adopt a resolution authorizing a contract extension with First Southwest Company for services as Bond Financial Advisors for the City of Austin. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

CONTRACT FOR BOND COUNSEL

Councilmember Trevino moved that the Council adopt a resolution authorizing a contract extension with Dumas, Huguenin, Boothman & Morrow for services as Bond Counsel for the City of Austin. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

AUDITORS FOR CITY APPOINTED

Mayor Pro Tem Snell moved that the Council adopt a resolution to appoint the firm of Seidman and Seidman, Certified Public Accountants, to audit the City accounts for the fiscal year commencing October 1, 1976, and terminating September 30, 1977. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

PUBLIC HEARING SET

Councilmember Trevino moved that the Council adopt a resolution setting a public hearing for May 5, 1977, at 11:00 a.m. on the 1977-1978 HCD program and authorizing submission of the 1977-1978 HCD Program on May 12, 1977. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None

STREET NAMES CHANGED

Mayor Friedman opened the public hearing at 7:30 p.m. to consider changing the names of several streets in Northwest Austin:

1. The two segments of street variously known as West Cow Path, West Duval Road and Northaven Road which proceed from Research Boulevard to Angus Road, should be changed to "Duval Road."
2. The one block of Duval Road between the intersection with Thunder Creek Road and the next intersection to the north should be changed to Angus Road to be consistent with segments to the north and south.
3. Duval Road from the intersection with Angus and Thunder Creek Roads, westerly across Research Boulevard to Jollyville Road should be changed to Thunder Creek Road.

Dick Lillie reviewed the name changes. No one appeared to be heard.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CHANGING THE NAMES OF THE STREETS PRESENTLY KNOWN AS WEST DUVAL ROAD AND DUVAL ROAD IN THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THAT ORDINANCES SHALL BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

The Mayor announced that the ordinance had been finally passed.

DRIVEWAY ORDINANCE AMENDMENTS

The Council had before it for consideration the adoption of Driveway Ordinance Amendments.

Motion

Councilmember Hofmann moved that the Council adopt the amendments to the Driveway Ordinance waiving the requirement for three readings. Councilmember Linn seconded the motion.

Friendly Amendment

Councilmember Himmelblau offered a friendly amendment to change the diameter from 3 inches to 6 inches. The amendment was acceptable to Councilmembers Hofmann and Linn.

Ken Zimmerman, Austin Homebuilders Association, appeared to discuss a few points concerning the Ordinance. He felt Section 31-14 was a duplication of work done when cross-checking with the Engineering Department, Planning Department, and in some cases the Public Works Department. His organization feels that 31-16.4 adds more procedure for a permit application to an already overburdened procedure. 31-18.3, he said, is a new provision which offers a great deal of authority, and their feeling is that it will be very expensive.

Substitute Motion

Mayor Friedman brought up the following ordinance for its first reading:

AN ORDINANCE AMENDING SECTIONS 31-14, 31-15, 31-16.4, 31-18(a), 31-18.3, AND 31-21.1(e) OF ARTICLE II OF CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967; EXPANDING THE PURPOSE OF THE ARTICLE; DEFINING THE WORD "TREE"; PROVIDING CERTAIN AUTHORITY TO THE DIRECTOR OF ENVIRONMENTAL RESOURCE MANAGEMENT; REGULATING THE REMOVAL OF TREES ON PUBLIC RIGHTS-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

~~The ordinance was read in the ordinary manner, and Councilmember Lebermann moved~~ that it be passed to its second reading, with the addition of the change in diameter from 3 inches to 6 inches. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann
Noes: Councilmember Linn

The Mayor announced that the ordinance had been passed through its first reading only.

Mr. Dale Napier, member of the Citizens' Board of Natural Resources and Environmental Quality Advisory, responded to Mr. Zimmerman's comments. Originally he said, the tree ordinance was very lengthy and difficult to deal with administratively. The whole purpose of the amendments streamline the administrative process and make it all as efficient as possible. He did not feel that there would be a burden added to any current process. Mr. Napier pointed out that an increase from 3" to 6" is really dealing with a tree four times as large in diameter. If the Council was thinking in terms of doubling the diameter, then they could increase it 4.2 inches.

MINIMUM HOUSING ORDINANCE

The Council had before it for consideration the passing through second and third readings of the Minimum Housing Ordinance. Mayor Friedman indicated the City Attorney had distributed updated and corrected copies of the Ordinance as amended by Council action on April 14, 1977. He asked Mr. Tom Curtis, Austin Association of Builders, if the two points he had discussed at the previous meeting had been satisfactorily worked out. Mr. Curtis answered they had. Mr. Jerry Harris, City Attorney, explained how the language of the Ordinance had been changed to clarify the meanings in question.

JIM ROCK, member of the Ad Hoc Committee that drew up the Ordinance, had a question concerning the retaliation clause in Section 40-15 b. (2). He asked that "provided such is not motivated by retaliatory intent" be added. Mayor Friedman pointed out that it would be difficult to conceive of a landlord taking advantage of a tenant by taxing all the other residents of a building. Mr. Rock said he felt the wording gave a possibility of an apartment-wide retaliation. Mayor Friedman said it was not feasible to expect an apartment-wide increase because one tenant complains about a unit, due to the present rental competition.

BOOKER T. MOORE spoke concerning substandard housing provisions in the Ordinance. He said sometimes you have a tenant that will leave a house in worse condition than when they moved in. They will move out and then call the inspector, who puts a quarantine sign on the house and the owner does not know about it. Mr. Moore asked if a letter could be mailed to the owner, giving him 24 or 36 hours to secure a permit to repair the house...before the quarantine sign is put on the house. Lonnie David, of the Building Inspection Department, said that this would be a procedural change, and that an Ordinance change was not needed.

MALCOLM SMITH, attorney representing the Earl Bradford House Movers and Viktorin House Movers, appeared to say he had questioned some points the previous week, Mayor Pro Tem Snell had agreed to talk with him, but had not. Mayor Pro Tem Snell answered they just couldn't arrange it to include his requests in the Ordinance.

Motion

Mayor Friedmann brought up the following ordinance for its second and third reading:

AN ORDINANCE AMENDING CHAPTER 40 OF THE 1967 CODE OF THE CITY OF AUSTIN, AS AMENDED, PROVIDING FOR A BUILDING STANDARDS COMMISSION; PROVIDING THE POWERS AND DUTIES OF THAT BOARD; PROVIDING FOR THE PROCEDURES BEFORE THAT BOARD; PROVIDING FOR THE PROCEDURES FOR VIOLATIONS OF THIS CHAPTER; PROVIDING PROCEDURES FOR CLOSING VACANT AND OPEN STRUCTURES; REGULATING RESIDENTIAL HOTELS; PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Mayor Pro Tem Snell moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance, and ask the City Manager to return with a budget amendment to properly staff and administer the Ordinance, including the legal definition read by the City Attorney. The motion, was seconded by Councilmember Trevino.

Friendly Amendment - Denied

Councilmember Linn asked if they would accept a friendly amendment concerning the retaliatory clause. Mayor Pro Tem Snell and Councilmember Trevino did not accept the friendly amendment.

Roll Call on Motion

Roll Call on the motion showed the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

The Mayor announced that the Ordinance had been finally passed.

Mayor Friedman thanked the Ad Hoc Committee, Mayor Pro Tem Snell, Mr. Davidson and his staff, and Mr. Albert DeLaRosa of the Legal Department for their outstanding work with this program. The Committee was dissolved.

PUBLIC HEARING ON ANNEXATION

Mayor Friedman opened the 8:00 p.m. public hearing to consider the annexation of and directing the administration to institute annexation proceedings to annex the following:

21.635 acres of land out of and a part of the T. J. Chambers Grant, in Travis County, Texas. (Requested by David B. Barrow, Jr., Vice President of Austin Corporation, owners)

Councilmember Linn asked if there were any burning reason why the City should annex the area. She asked how much money it would cost. Mr. Lillie replied the subdivider has provided all of the fiscal arrangements for the subdivision and it has been approved by the Planning Commission and recorded. It will not cost the City anything.

Councilmember Himmelblau moved that the Council close the public hearing and request the staff to bring back an Ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

ELECTRIC UTILITY COMMISSION

MR. LARRY NELSON, President of Nelson Construction Company, told the Council that the biggest question in his mind concerning the creation of and Electric Utility Commission were the qualifications of the individuals who might staff such a Commission. He said the electric utility is a 130 million dollar business that effects the lives and income of every citizen in Austin. Councilmembers and the City Manager, if they are to have counsel at all, must have knowledgeable counsel to chart an intelligent course and avoid costly pitfalls. Members of the Commission, he felt, should be experienced, proven businessmen, professionals and educators, selected to provide a broad base of expertise to deal with the wide responsibilities outlined in the proposed Ordinance. He felt the Ordinance should be more specific in describing the members with guidelines and qualifications. He urged postponement of the Ordinance until this loophole was plugged.

MR. LARRY ZUNKER spoke in favor of postponing action on the Electric Utility Commission at this time. He felt that if a commission was created, it should be for all city-owned utilities. With 47 Boards and Commissions already in existence, he foresees a water utility commission being created next year, a sewer utility the year after, etc., etc. According to figures he has heard, it costs around \$2,000.00 per year for each board and commission. There should, according to Mr. Zunker, be a streamlining and combining of boards and commissions.'

MR. WILLIAM W. REW, Executive Director, Associated Builders and Contractors, told the Council his organization is opposed to the adoption of a permanent Electric Utility Commission for the following reasons:

1. If we must have an advisory commission, we should create a commission to monitor water, sewer and electric utilities. These systems are so inter-related in services, functions, and finance that it is difficult to consider something that effects one without effecting the other. He said possibly these could be coordinated with the telephone and gas utilities.
2. The Ordinance as proposed, needs much strengthening in the area of specifying qualifications from members of the commission in order to assure a continuity of capable people in the years to come. Qualifications for each member should be specified in detail.
3. They have great misgivings about the inclusion of procedures along with policies in the proposed Ordinance.

Mr. Rew said his organization respectfully requested three things:

1. The Council postpone action on the proposed Ordinance.
2. Serious consideration should be given to a commission of all city owned utilities in lieu of an electric commission only.
3. Wording of Ordinance is such that they feel there will be areas of potential problems if it is passed. There is a team of utility experts already under contract with the City who are knowledgeable and familiar with the Electric Department. They think that Touche Ross, who is doing the study, should examine the Ordinance and report back to the Council their recommendations.

Mayor Friedman told Mr. Rew that Touche Ross was only under contract to do a rate study. Mr. Rew asked if there was a proviso to do something else. Mayor Friedman answered that the more the City pays, the more they will be glad to do. Mr. Rew said they were not advocating the use of outside expensive consultants but felt this expense would be minimal for a highly important area, and they recommended that it be done.

Mayor Friedman handed City Clerk Grace Monroe a resolution that had been delivered from Moe Terrell, President, Austin Board of Realtors, to be entered into the records. It is as follows:

RESOLUTION

WHEREAS, the creation of an Electric Utility Commission has been proposed by the Mayor's Commission on Electric Rates, and is an agenda item for the City Council meeting Thursday evening April 21, 1977; and,

WHEREAS, neither the need nor the substantive benefits to be derived from such a commission have been validated; and,

WHEREAS, there has been no public hearing on the ordinance as finally proposed; and,

WHEREAS, this is a subject of major concern to most of the citizens of Austin; and,

WHEREAS, the Board of Directors of the Austin Board of REALTORS has unanimously voted to oppose the establishment of such a commission, at least with the duties and composition as proposed, and questions the declaration of an emergency requiring the suspension of the ruling requiring three readings on separate days:

NOW, THEREFORE, BE IT RESOLVED that the Austin City Council is respectfully requested to postpone consideration of the proposed Electric Utility Commission to permit additional study and recommendations and to permit its final consideration by the incoming City Council that will have to see to its implementation and enforcement.

This resolution was unanimously adopted by the Board of Directors of the Austin Board of REALTORS at a special called meeting on April 20, 1977.

KEN ZIMMERMAN, Austin Homebuilders Association, appeared to give copies of a letter to members of the Council; Mr. Davidson; and Mr. Harris, City Attorney. (City Clerk Grace Monroe did not receive a copy of the letter.)

At this point, Mayor Friedman explained they had gotten carried away because of the four speakers listed on the agenda who had requested to speak to this issue. He pointed out that there already had been a public hearing on the creation of the commission and requested all speakers to observe that fact.

ROBERT YOUNG, member of the present Electric Rate Commission, asked to reply briefly to comments made. He said three basic issues had been raised; scope, membership and terminology. The report, in its basic form, has been before Council since August, 1976. The reason they do not recommend it cover every utility owned by the City of Austin is because of the complexity of the electric utility as an entity. To add to the burden of members of the board the burden of understanding the other utilities would defeat the purpose of the commission. He pointed out that the majority of City Councils in the State of Texas manage only land...the Austin City Council also manages the electric department. We have a Planning Commission to regulate land; the proposed Electric Utility Commission is basically a planning commission for the electric department. It is for the assistance in running a major utility. He said they felt members of the Electric Utility Commission should not be limited to people with expertise...the purpose of the board is to provide a direct citizen input from the people who pay rates, to the City Council.

RUTH EPSTEIN, Travis County Democratic Women, said they are in favor of the creation of the Electric Utility Commission and are concerned that unnecessary commissions create too much expense for the City, but that this one is necessary. They want as few positions designated as possible, and are not necessarily for experts serving on the Commission. Also she is happy that the phrasing of the duties of the Commission say they should examine customer services, capital investment, etc.

TERRY SASSER, Chairman of the Mayor's Commission on Electric Utilities, was introduced. Mayor Friedman said a point had been brought out concerning the appointment process of the first members of the Commission. The Ordinance calls for five persons to serve until July 1, 1979, and four to be appointed to serve to July 1, 1980. He said, as he understood it, it was the concept to have the present Council appoint some, and the next Council appoint some. Then, he said, there would be no problem if an amendment were made that the first five Commission members are appointed by the present Council and the following four sometime within a month after the next Council takes over. Would that be the purpose of the Commission, he asked? Mr. Sasser replied that it would, and "on behalf of the Mayor's Commission on Electric Rates, after much study, we ask that you pass the Ordinance this night and create the Commission, giving due consideration to splitting the appointments between the two Councils."

Councilmember Himmelblau said she was concerned that the terms of some of the Commission members would go to July 1 of 1980, which is a little over three years. She wondered if it would be agreeable that appointments not exceed two years and that the terms be staggered and that when the entire nine members are appointed, that they draw for one or two year terms. Mr. Sasser found this to be agreeable.

Councilmember Hofmann had questions concerning several points in the Ordinance which were discussed by she and Mayor Friedman.

Councilmember Himmelblau expressed concern that the present Council would appoint the majority of the Commission and said she would be happier if they named only four members. Mayor Friedman told her the present Council would be working until May 15, 1977, and he could see no reason to abdicate all of their authority before that time. She said she did not see it that way.

Motion

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CREATING AN ELECTRIC UTILITY COMMISSION OF THE CITY OF AUSTIN, TEXAS; ESTABLISHING THE DUTIES OF THE ELECTRIC UTILITY COMMISSION; ESTABLISHING PROCEDURES FOR THE ELECTRIC UTILITY COMMISSION; PROVIDING THAT THE ELECTRIC UTILITY COMMISSION WILL COOPERATE WITH ALL CITIZENS, THE CITY COUNCIL OF THE CITY OF AUSTIN, CITY BOARDS, COMMISSIONS, COMMITTEES, DEPARTMENTS AND OTHER INSTITUTIONS AND AGENCIES; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, as amended, adding the word "Council" in Section I, line 4 and stating that the Board members shall be appointed for two years with all nine members drawing for either one or two-year terms, and that five members of the Commission be appointed prior to May 15, 1977, and the remaining four members by June 15, 1977. The motion, seconded by Mayor Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Hofmann, Linn, Trevino
Mayor Friedman

Noes: Councilmembers Himmelblau, Lebermann

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman reiterated that the creation of the Electric Utility Commission was as an advisory panel to help the City Manager and not to hinder. He said May 5, 1977, was the date appointments to this Commission and vacancies on other Boards and Commissions will be considered during an Executive Session.

SPECIAL PERMIT APPEALED

Mayor Friedman opened the 8:30 p.m. public hearing on an appeal of the decision of the Planning Commission granting a Special Permit to the Women's Center concerning property on the corner of Windsor Road and Enfield from Claudia Lockman. (Permit No. C14P-77-009)

Mr. Lillie, Planning Commission, stated this was a special permit to allow a temporary shelter for battered women and their children at 1201 Enfield Road. The lot is at the southwest corner of Enfield Road and Windsor Road, owned by the City of Austin, and if the permit is approved, would be leased from the City by the applicant. The information submitted to the Planning Commission included that the use proposed is a house for battered women and their children and will house a maximum of 10 women and their children. The staff will consist of two paid personnel and three volunteers with two persons on duty at all times. Maximum length of stay will be one month, with the average length of time they would stay while finding a job or other housing would be approximately three weeks. Admittance procedure requires that a woman seeking assistance will call a central number at another location where arrangements will be made for an employer to pick the woman up and bring her to this location. The property is zoned "B" residence and has been since 1940. The staff recommended approval subject to compliance with Ordinance requirements and departmental recommendations and the Planning Commission recommended approval subject to departmental requirements. Those requirements were part of the packet submitted to the Council.

CLAUDIA LOCKMAN, appellant, appeared to say she felt something detrimental had been done to the neighborhood when the Planning Commission approved the special request. The neighborhood has experienced an upsurge in its struggle to upgrade itself. Newcomers to the area have been enthusiastic in their appreciation of the charm and character of the older homes and devoted time, energy, and money to revitalization efforts which compliment the already existing carefully tended property. She said the first aid to them had been when the City had rolled back zoning of the Batts house to "A" Residence use and sold it to someone who will restore it. She had hoped this would be a precedent setting example, but with the granting of the special permit she felt there was actually little regard for their neighborhood. There would be the ever present threat of the husbands of the battered women creating a disturbance, and result in families who want to restore homes being reluctant to invest in their area. She and her neighbors do not want to live with that threat either. She felt the effect would also be bad for the women and their children as the project is an experiment. Any experiment should be conducted in the proper environment and this property is located at a noisy intersection. It will not be safe for children; therefore, the women will be concerned for their safety and not have any peace for themselves to work out their problems. The Planning Commission, she continued, has forced the Women's Center to accept a location which, by the admission of its director, is not their best choice and one they agreed to leave when they were able. The City could better aid projects such as this, she said, by selling the property now and using it for projects such as this.

Councilmember Linn queried her on her statement concerning the Planning Commission's forcing of the property. She answered the Commission had not given them any options. Mayor Friedman informed her the Planning Commission does not have that obligation or responsibility. This was selected by the Women's Center, he said, after the Women's Center had collected information about available property. It may not be the best one, but it was the only spot available.

FRED SACKETT, who resides at 1402 Windsor Road, was opposed to the granting of the Special Permit. He said he was not opposed to the conception of having a home for battered women and children, but was opposed to having it in an established neighborhood. He wondered if the question had been put to the Planning Commission of whether or not this was a valid use of the property. His concern, in addition to it being detrimental to the neighborhood, was with the parking facilities and with the intersection which is not conducive to a safe environment for children. He asked the Council to deny the request and let them improve their neighborhood.

PAUL H. BROWN, appeared before Council to state his family had lived at 1210 West 13th, directly behind the property in question, since 1949. The neighborhood had suffered when the property at Enfield and Windsor had been purchased by the City to be used as part of a freeway, and then had not been used as such. Now, instead of selling the property, the City wants to rent it for \$1.00 a year, thereby losing more revenue. The proponents of the project, he continued, had admitted in the Planning Commission meeting, that the property in question does not meet any of their needs, except that they could rent it for \$1.00 a year. He said the private property owners should be allowed to put the property back like it was and restore the City's mistake when it bought the land for a freeway.

PEGGY SACKETT, 1402 Windsor Road, spoke in opposition to the proposed project. She said she does not oppose the concept, but does oppose the location ...it is not a good one for the purpose. The Planning Commission, she continued, voted unanimously to put the project in their neighborhood. She is appalled and oppressed that there is a Planning Commission so lacking in diversity that they could not be appealed to by reason and logic.

WOODS BE SMITH, who resides at 1303 Lorrain, is opposed to the shelter being placed at this location...he too does not oppose the concept, but the location is bad for battered women. The yard is steep, with no fence, and no way to keep the people from using the driveway behind it to gain access to Lorrain Street, where he lives. Because of no fencing, the children may wander and get lost. He also foresees irate husbands and disturbed children and advised against the granting of the permit.

CECIL H. HALE, 1300 Windsor Road, asked that the integrity of the neighborhood be maintained. He said to approve the permit just because the City owns the property is wrong. Mayor Friedman said they were not changing the zoning, but this was a special permit to allow the women to be there, the zoning stays "B" Residence, and can be rented out. Mr. Hale feels that if the house is used for the proposed purpose, then it will be easier to change the zoning at another date.

LOUIS L. HIRSCHFELD, 1505 Parkway, stated there is already a parking problem due to Pease Park, which caused the residents to call the police at all hours to get people out of their driveways. Austin, he pointed out, is a big city, and this piece of property has many drawbacks for the proposed use. There

is no parking area and it is one of the most dangerous intersections of the City. He asked the Council to oppose the permit because this project would in no way enhance the neighborhood.

CHARLES NYE, real estate broker, stated he does not live in the neighborhood, but is a friend of Mrs. Lockman. He explained the property values would be adversely effected if this project is to be allowed.

BARBARA BLACK MILLER, Director of the Austin Women's Center, appeared before Council to thank them for allowing the Women's Center to lease the house for \$1.00 a year, and thanked the Planning Commission for granting the Special Permit. She said they both have a one-year limitation on them and during the year they will make every effort possible to find another location. Losing the location would delay their opening date of May 1, 1977. As a result it would possibly cause them to delay the County's allocation, which is one-half of their first year's budget. It would probably take months to find another location and go through the permit request again. The County money must be spent by December 31, 1977. She said if they must pay rent on a place, they would have no food. With only a total budget of \$32,700, they must have the \$1.00 a year lease to demonstrate the local need of their services. The County has granted the money for a one-year demonstration project, as there are no local statistics available to demonstrate the need of such a service. At the end of this period the County will consider adding to their allocation so a larger and more conducive piece of property may be found and paid for. The children will be supervised at all times; once the hearings are over, the location will be undisclosed and only the telephone number will be available. She informed the Council and audience she had made six telephone calls to shelters in the United States asking them questions concerning the extent of the problem of violent husbands coming to the shelter. There wasn't one shelter that said they did anything more ordinary than to lock the doors to prevent anything happening. She urged the Council to uphold the Special Permit.

Councilmember Hofmann asked how many people the house could facilitate if it were not used as a shelter, and ascertained that just as many adults and children could live there as renters, as could women and children being sheltered. She also determined that people who use the shelters do not have access to their own transportation; therefore, there would not be a more serious parking problem than there is now. Councilmember Lebermann asked if the location would be undisclosed. Mrs. Miller indicated that after that night it would be.

CHARLES DAYTON, who lives in the Enfield area, is concerned because the project is an experiment and is not good for the integrity of the neighborhood.

F. W. SCHMIDT, 1205 Castle Hill, indicated the neighborhood has been through many storms in the past few years...now they are upgrading and getting better. He urged the Council to deny the permit and let them continue to improve their neighborhood.

MARY PHILLIPS, 1504 Windsor, indicated there was a need for such a shelter, but not at the designated spot. She was concerned with children being there as it was not the spot to play without police protection. The traffic situation was described as horrendous.

JOHN BRITH, graduate student in accounting, expressed concern about the funding of the project. He thinks they will run into problems before the end of the year.

MRS. ADAIR said she was very opposed to the proposed site as a place for battered women. She felt Austin should keep its nice neighborhoods and asked the Council not to pass on the approval of the project in their neighborhood.

Councilmember Lebermann said he was committed to the project. He wanted to point out that this Council has granted special permits to equally stable neighborhoods for half-way houses, new-start houses, etc., with great success. He is upholding this project with the understanding it will only be in this location for a temporary length of time. He asked Mrs. Miller if it would cause trouble for the environment of her experiment if there was neighborhood opposition to the project. She answered negatively. Councilmember Linn asked if problems did come up with the neighbors, if she would be willing to work with the people. Mrs. Miller answered, "Eagerly." Councilmember Hofmann summarized a similar situation they had had in Hyde Park, where the neighbors were opposed until they had worked together on an advisory committee. Mayor Pro Tem Snell asked if they would move earlier than one year if they found the right location with the right funding. Mrs. Miller answered that it was a possibility.

Councilmember Trevino moved that the Council vote to uphold the decision of the Planning Commission and grant a Special Permit to the Women's Center for one year only, beginning May 1, 1977, to April 30, 1978. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

Mayor Friedman commented that all the neighbors brought out a very interesting point concerning their neighborhood being the kind of place that we are trying to encourage throughout the City. He said the willingness of people to help one another really makes a good neighborhood and he could think of no better group of people than the ones there that night, expressing that desire to help these women and their children. As they had been told, there had been similar comments about these projects and when it was found out the people involved were just new neighbors moving in, needing a hand, the neighborhoods had prospered even more. He said he could understand their concerns but they should not feel defeated.

Mayor Pro Tem Snell said his affirmative vote had been a difficult decision for him mainly because the extra police protection will be needed in the area and because he hated to see any neighborhood disrupted. But, he continued, he favors this type of program and supports it.

Councilmember Lebermann said he had every assurance that no extra police protection will be required.

Councilmember Linn stated she voted "Yes," to make it unanimous; however, she thought the points made that night were ones they should have considered six months ago before they were at the deadline. In the future, she said, they

needed to really plan, particularly when children are involved so they will have adequate space. She also asked that after one year, the property be sold. She wanted the neighborhood returned to its original state.

Louis L. Hirschfeld asked to speak again on a point of personal privilege and made a few closing comments.

IMPROVEMENTS TO RIVERSIDE DRIVE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770303-D PERTAINING TO PAVING ASSESSMENTS ON RIVERSIDE DRIVE SO AS TO INCLUDE THE CONSTRUCTION OF DRIVEWAY APPROACHES; DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

- (1) LOTS 2, 3, 4 AND 5, DUNGAN ACRES, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
 - (2) LOT 2 AND 3, BROZ ADDITION, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
 - (3) LOTS 1 AND 2, (SAVE AND EXCEPT THE WESTERMOST FIFTY [50] FEET OF LOT 1, MEASURED FROM THE NORTH LINE OF SAID LOT SOUTHWARD FOR A DISTANCE OF 270 FEET, WHICH IS HEREBY ZONED FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT); OTTO LENTZ SUBDIVISION, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT;
- ALL OF SAID PROPERTY BEING LOCATED ON DUNGAN LANE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Chester Schutz, Melvin M. Speir, Otto H. Lentz, et ex., Cyril M. Saxton, et ex., B. T. Webb, A. Roy Thomas, and E. C. Thomas, C14-76-096)

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: THE WEST 34 FEET OF LOT 28 AND THE EAST 36 FEET OF LOT 39, OUTLOT 39, DIVISION "D," WOOLDRIDGE RESUBDIVISION, LOCALLY KNOWN AS 911 WEST 23RD STREET, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: THE SOUTH 72 FEET OF LOTS 23 AND 24, DIVISION "D," OUTLOT 32, GEORGE W. SAMPSON SUBDIVISION, LOCALLY KNOWN AS 2208 PEARL STREET AND ALSO BOUNDED BY WEST 22 1/2 STREET, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Betty W. Pells & Steve, Cherie J. Deutchman, C14-77-016)

The ordinance was read the second time, and Councilmember Lebermann moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

Councilmember Linn pointed out that the Agenda for April 14 and 21, 1977, showed her as voting "No" on this zoning change. She wanted the record to reflect she is very much in favor of this zoning change, and that the Agenda was incorrect.

Mayor Friedman brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 9,210 SQUARE FOOT TRACT OF LAND (SAVE AND EXCEPT THE WESTERMOST FIVE (5) FEET WHICH IS HEREBY ZONED FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT), LOCALLY KNOWN AS 4206 SOUTH 1ST STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (John W. Bradley, Jr., C14-77-004)

The ordinance was read the second time, and Councilmember Lebermann moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Mayor
Friedman, Mayor Pro Tem Snell
Noes: Councilmember Linn
Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing before the City Council, May 26, 1977:

ANNCO By Bryant-Curington, Inc. C14-77-020	1700-1800 Mearns Meadow Drive; 1700-1800 Pine Knoll Drive; 10400 Block of MacMora Road; 10400- 10500 Robinwood Circle	From "BB" Residence 1st Height and Area To "A" Residence 1st Height and Area
EULA MAY & HENRY E. LAIS C14-77-021	7200 Manchaca Road 1915-1927 Matthews Lane	From "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
BULLARD COMPANY By W. H. Bullard C14-77-022	10602-10702 Middle Fiskville Road; 604- 606 and 605-607 East Grady Drive	From Interim "AA" Residence 1st Height and Area To "C-1" Commercial 1st Height and Area
BULLARD COMPANY By W. H. Bullard C14-77-023	10605 and 10609-10703 Brownie Drive 600-602 and 601-603 East Grady Drive	From Interim "AA" Residence 1st Height and Area To "BB" Residence 1st Height and Area

NASH PHILLIPS & CLYDE COPUS, JR. By Robert L. Davis C14-77-025	Northwest corner of IH 35 and US 290, also bounded by Middle Fisk- ville Road, Clayton Lane and 6000-6008 BBooks Street	From "C" Commercial 1st Height and Area To "C" Commercial 3rd Height and Area
J. A. SUNDAY By David A. Hill C14-77-026	6601-6603 East River- side Drive	From "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area
MELVIN F. HEES By W. W. Dorn- berger, Jr. C14-77-027	11654 Research Boulevard, also bounded by West Duval Road	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
RAYMOND J. POWELL, JR. C14-77-028	711 West Avenue	From "B" Residence 2nd Height and Area To "O" OFFICE 2nd Height and Area
DAVID W. HARRELL, ET AL C14-77-029	1012 East 38th Street, also bounded by Harmon Avenue	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
ROYCE R. MYERS, ET UX By Charles E. Lambert, Jr. C14-77-030	10701-10715 Research Boulevard	From Interim "AA" Residence 1st Height and Area To "C" Commercial (Tract 1) "C-2" Commercial (Tract 2) 1st Height and Area
PHILIP PRESSE C14-77-031	1302 West Avenue, also bounded by West 13th Street	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
CAMPBELL McGINNIS C14-77-033	801-907 Clermont Avenue; 800-906 Flores Street, also bounded by San Marcos Street and East Avenue	From "GR" General Retail 2nd Height and Area To "C-2" Commercial 3rd Height and Area
JAMES A. MARTIN- DALE By Phyllis Cart- wright C14-77-034	809 West Avenue, also bounded by West 9th Street	From "A" Residence 2nd Height and Area To "O" Office 2nd Height and Area

DAVID W. STUART By John Robertson C14-77-035	710 Dean Avenue 8801 North Lamar Boulevard	From "LR" Local Retail 1st Height and Area To "GR" General Retail 1st Height and Area
CARL T. NORWOOD, ET AL By Wallace Smith C14-77-036	9910-10010 North Lamar Boulevard, also bounded by Ken Street	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
JOHN A. FLACHE & DELMO M. PEARCE C14-77-037	1509-1903 Montopolis Drive; 6300-6506 East Riverside Drive; 1508-1902 Vargas Road	From Interim "A" Residence and "LR" Local Retail 1st Height and Area To "GR" General Retail 1st Height and Area
WILLIAM J. JOSEPH By Arthur Pihlgren C14-77-038	2701 Martin Luther King, Jr., Boulevard also bounded by Walnut Avenue	From "LR" Local Retail 1st Height and Area To "C" Commercial 1st Height and Area
ROY L. WYATT, JR., ET UX C14-77-039	1401-1407 East River- side Drive (at IH 35)	From "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
JACK RITTER, JR. By Dana Hollien C14-77-040	4611 Martin Luther King, Jr., Boulevard also bounded by Heflin Lane	From "LR" Local Retail 1st Height and Area To "C" Commercial 1st Height and Area
THOMAS W. MALONE C14-77-041	823-835 Patton Avenue 901-905 Highway 71 East	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area
C L R DEVELOPMENT, INC. By C. L. Reeves C14-77-042	Burton Court	From "GR" General Retail 1st Height and Area To "B" Residence 1st Height and Area
DR. CLETO ELEQUIN, M.D., P.A. By Donald E. Bird C14-77-043	6701-6717 Berkman Drive	From "LR" Local Retail 1st Height and Area To "C" Commercial 1st Height and Area
PIONEER TRUST & SAVINGS BANK By Garrett P. Goldwater C14-77-044	1548-1606 Burton Drive	From "GR" General Retail 2nd Height and Area To "C-2" Commercial 2nd Height and Area

META AVERA By L. T. Gaddy C14-77-045	2908 Rio Grande Street 2913 Salado Street	From "BB" Residence 1st Height and Area To "O" Office 1st Height and Area
DOUGLAS DUWE, ET AL C14-72-181	8515-8525 North Lamar Boulevard; rear of south side of 200-500 block of San Jose Street	From "A" Residence 1st Height and Area To "C" Commercial 6th Height and Area (Tract 1) "B" Residence 6th Height and Area (Tract 2) "BB" Residence 1st Height and Area (Tract 3)
JOE GILBRETH & CO., INC. By Phil Mockford C14-75-006	1600-1622 Stassney Lane, also bounded by St. George's Green	From "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area
JIMMY D. FOSTER, ET UX By Pascual L. Piedfort C14-76-116	3201 Manchaca Road	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
TEXAS STAR OIL COMPANY C14-77-011	10611 Research Boule- vard, also bounded by Celeta Lane	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
JOHN O. RANEY By Harold L. Coit C14-77-017	4208 South 1st Street	From "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
SHEEKS-ROBERTSON HOUSE Dr. James W. Fox, owner C14h-76-001	610 West Lynn	From "B" Residence 2nd Height and Area To "B-H" Residence-Historic 2nd Height and Area
LAND OFFICE BUILDING State of Texas, owner C14h-76-018	108 East 11th Street	From Undesignated To "B" Historic
CARRINGTON-COVERT HOUSE State of Texas, owner C14h-76-019	1511 Colorado Street	From "O" Office 3rd Height and Area To "B-H" Office-Historic 3rd Height and Area

GETHSEMANE LUTHERAN CHURCH State of Texas, owner C14h-76-020	West 16th Street and Congress Avenue	From "B" Residence 3rd Height and Area To "B-H" Residence-Historic 3rd Height and Area
MADISON LOG CABIN City of Austin, owner C14h-76-021	Rosewood Park	From "A" Residence 1st Height and Area To "A-H" Residence-Historic 1st Height and Area
OLD BAKERY State of Texas, owner C14h-76-024	1006 Congress Avenue	From "C" Commercial 4th Height and Area To "C-H" Commercial-Historic 4th Height and Area
KUEHNE-MOORE HOUSE American Bank, Executor, owner C14h-77-001	904 West 23rd Street	From "B" Residence 1st Height and Area To "B-H" Residence-Historic 1st Height and Area
THE TRASK HOUSE Allen E. Smith and Irwin E. Salmanson, owners C14h-74-026	105 Neches Street	From "C-2" Commercial 4th Height and Area To "C-2-H" Commercial-Historic 4th Height and Area
SMITH-MARCUSE- LOWRY HOUSE A. N. Hosny, owner C14h-76-002	3913 Avenue C	From "B" Residence 1st Height and Area To "B-H" Residence-Historic 1st Height and Area
RESIDENCE OF B. J. SMITH Forest Pearson and John Harrison, owners C14h-76-023	700 West 6th Street	From "C-2" Commercial 4th Height and Area To "C-2-H" Commercial-Historic 4th Height and Area
OLD DEPOT HOTEL Cliff Winstead & Charles Bomar, owners C14h-77-008	504 East 5th Street	From "C-2" Commercial 4th Height and Area To "C-2-H" Commercial-Historic 4th Height and Area
A. C. HORTON HOME Mr. & Mrs. William Karcher, owners C14h-77-009	North Bluff Drive and Old Lockhart Highway	From Interim "A" Residence 1st Height and Area To "A-H" Residence-Historic 1st Height and Area

JONES-LAKE COMPANY
and W. L. MAYFIELD
C814-73-008

Steck Avenue, Green-
slope Drive and Cima
Serena Drive

A revision to "SUMMERWOOD", a
previously approved Planned
Unit Development adding two
residential units

OMEGA INVESTMENT
COMPANY
By Roy Bechtol
C814-76-012

2330 Bergstrom Highway

A 640-unit residential Planned
Unit Development called,
"RIVER HILLS"

ENVIRONMENTAL
COMMUNITIES CORP.
By T. Herndon Wolfe
C814-77-003

4323 Far West Boulevard

Thirty (30) detached single-
family dwelling units called,
"MEADOW MOUNTAIN", a proposed
Planned Unit Development

ADJOURNMENT

The Council Meeting adjourned at 9:20 p.m.

APPROVED

ATTEST:

City Clerk